

REMARKS

Applicant thanks the Examiner for the thorough examination of the application. Responsive to the Examiner's Action mailed on February 6, 2006 in the above-referenced application, Applicant respectfully requests to amend the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4-6, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by *Jisaki et al.* (US 6,753,939).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jisaki et al.* (US 6,753,939).

Claims 9-15 are indicated to be allowable if amended to overcome the rejection under 35 USC 112.

Claims 2 and 3 are indicated to be allowable if rewritten in independent form and to overcome the rejection under 35 USC 112.

Claims 1, 6, 9 and 13 have been amended and claim 16 has been canceled. Support for these amendments can be found, for example, in FIG. 1A and FIG. 2B of the application. Applicant submits that no new matter has been added.

The title is objected to as not descriptive.

Objection to the Title.

The objection to the title is traversed because the Applicant believes the title to be adequately descriptive of the invention to which the claims are directed. However, if the Examiner would wish to suggest a title, the Applicant would be happy to consider changing the title.

Rejections Under 35 U.S.C. 112

The Office Action indicates that claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As set forth above, the amendments to claims claims 6, 9 and 13, and some of those to claim 1, relate to the allegedly indefinite portions. Applicant respectfully asserts that the objection has been accommodated by the present amendments. Specifically, these claims have been amended to recharacterize the transparent

portion as a transparent electrode.

Rejections Under 35 U.S.C. 102(e)

Claims 1, 4-6, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by *Jisaki et al.* Claim 1 is an independent claim, from which claims 4-6 and 16 depend. Claim 16 has been canceled. Applicant asserts that amended claim 1 is patentable for the reasons discussed below, and therefore for at least the same reasons claims 4-6 also are patentable.

The amended claim 1 recites:

1. (Currently amended) A method of forming a transflective liquid crystal display device with a wide-viewing angle, comprising the steps of:
providing a first substrate and a second substrate opposite the first substrate;
forming an insulating layer having an uneven first surface, and a second surface opposite the first surface, the second surface on the first substrate;
etching only partially through the insulating layer from the first surface to form at least one opening in the insulating layer, the opening having a bottom surface in the insulating spaced above the second surface;
forming a conformal transparent electrode on a sidewall and a bottom of the opening and a reflective electrode on part of the insulating layer, wherein the sidewall and bottom of the opening is covered only by the transparent electrode;
forming a conformal first alignment film on the reflective electrode;
forming a common electrode on an inner surface of the second substrate;
forming a second alignment film on the common electrode; and
filling a space between the first substrate and the second substrate with negative type liquid crystal molecules added with a chiral agent to form a liquid crystal layer.

Referring to FIG. 4 of *Jisaki et al.*, it is clear that in *Jisaki et al.*, the planarizing layer 23 is

etched through to the bottom of the recess 7 is a TFT substrate or a TFT element 21, in which no planarizing layer 23 is remained directly below the bottom of the recess. *Jisaki et al.*, however, does not disclose or suggest "*etching only partially through the insulating layer from the first surface to form at least one opening in the insulating layer, the opening having a bottom surface in the insulating spaced above the second surface,*" as recited in amended claim 1.

The Examiner is referred to MPEP 2131, which states:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). >"When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." Brown v. 3M, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02.< **"The identical invention must be shown in as complete detail as is contained in the ... claim."** Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). . . .

It is clear from what is described above that not every element as set forth in the amended claim 1 is found in *Jisaki et al.* Consequently, applicant respectfully submits that the cited reference fails to disclose the feature above-discussed in the present invention as set forth in amended claim 1. Reconsideration of this rejection is hereby respectfully requested.

Hence it is believed that the amended claim 1 is allowable over the cited references. Insofar as claims 4-6 depend from amended claim 1, it is the Applicant's belief that these claims are also allowable at least by virtue of their dependency.

Rejections Under 35 U.S.C. 103(a)

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jisaki et al.* Claim 1 is an independent claims, on which claims 7 and 8 respectively depend. Applicant asserts that amended claim 1 is patentable for the reasons discussed, and therefore for at least the same reasons, claims 7 and 8 are patentable.

Based on the above, it is submitted that the application is in condition for allowance and such a Notice, with allowed claims 1-16, earnestly is solicited.

Should any fee be required, please charge the same to our Deposit Account No. 18-0002 and advise us accordingly.

Respectfully submitted,



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Date

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